IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 11335 of 2005(Y)

PETITIONER:

K.M. RASHEED, KARANCHERY,
KUMARANALLOOR P.O., WADAKKANCHERRY, THRISSUR.

BY ADV. SRI. P. RAMAKRISHNAN

RESPONDENTS:

1. **THE KERALA STATE HOUSING BOARD,**
   TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

2. **THE ASSISTANT SECRETARY, KERALA STATE**
   HOUSING BOARD, THRISSUR DIVISION, THRISSUR.

3. **THE DISTRICT COLLECTOR,**
   THRISSUR.

BY ADV. SRI. P.C. IYPE, SC, KSHB
SRI. A. JAYASANKAR
SRI. A. JAYAKUMAR, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11335/2005(Y)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE LETTER DATED 02.01.1998 FROM THE 2ND RESPONDENT TO THE PETITIONER.**
EXT. P2	**:**	**COPY OF LETTER DATED 04.02.2005 FROM THE 2ND RESPONDENT TO THE PETITIONER.**
EXT. P3	**:**	**COPY OF PROCEEDINGS DATED 05.03.05 OF THE 2ND RESPONDENT.**
EXT. P4	**:**	**COPY OF REPRESENTATION DATED 28.03.2005 FROM THE PETITIONER TO THE 2ND RESPONDENT.**

FIRST RESPONDENT'S EXHIBITS:

EXT. R1(a)	**:**	**COPY OF STATEMENT OF ACCOUNTS.**

// True Copy //

P.A. to Judge.

smp

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 11335 of 2005

Dated, this the 14th day of December, 2007

J U D G M E N T

Heard learned counsel for the petitioner and learned standing counsel for Kerala State Housing Board.

2. The challenge against recovery proceedings is not maintainable because petitioner committed chronic default, in as much as 77 instalments were defaulted as against 108 granted for repayment of house building loan availed by the petitioner. Even though OTS benefit was offered to the petitioner, he did not avail the same. In any case, since the amount involved is quite high and loan period is not over, I give one more opportunity to the petitioner to clear the arrears in 20 equal monthly instalments, first of which will be paid on or before 25/03/2008 and balance on or before 25th day of the 19 succeeding months. I make it clear that if petitioner commits default in making payment of any of the instalments, the instalment facility granted will stand automatically vacated on first default and respondents are free to attach and sell the mortgaged property. The above facility is granted to the petitioner as an alternative and it is open to the petitioner to avail OTS benefit and settle full liability. If petitioner opts for OTS, respondents should grant it but on payment within the time granted by respondents.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg